

**United States District Court
Southern District of Florida**

Case No. 0:23-CV-61233-JEM

Assigned Judge — Judge Jacqueline Beccars
Judge Jose E. Martinez

The Smiley Company SPRL

Vs

The Individuals, Partnerships, and Unincorporated Associations set forth on Schedule A Order.

Title: Answer to Complaint

All answers in this document relate to Seller ID BKXXL listed in Schedule A Order

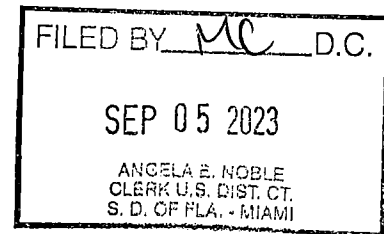
Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served by email on 23rd August 2023 on all counsel or parties of record on the service list below

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23rd August 2023

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United States District Court
Southern District of Florida
Miami Division

Case 0:23-CV-61233-JEM

The Smiley Company SPRL v The Individuals, Partnerships, and Unincorporated Associations set forth
on Schedule A Order

Defendant 61 on Schedule A – Seller ID BKXXL

Answer to complaint

Answer

No.

1 In response to complaint paragraph 1

Complaint is denied. There has been no promotion, sales, reproduction, or distribution of any goods withing the district of Florida. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

2 In response to complaint paragraph 2

Complaint is denied. No previous knowledge of existing trademarks or copyright had been established and actions taken were in good faith. The consuming public were not being duped or confused, and is debatable whether the majority of consumers are aware that licensing agreements are in place with certain companies, or indeed the existence of the Smiley Company, based on the general use and availability of designs within the public domain.

The assumption that substantial profits have been earned is complete conjecture and without any information to verify this.

Information has been provided to the Plaintiff through their Attorney that identifies that two sales have occurred worldwide with a margin of \$1.15. This is not a substantial profit and is certainly nowhere near the profit that the Plaintiff accrues on an annual basis.

3 In response to complaint paragraph 3

Defendant is without knowledge as to paragraph 3 of the complaint. No supplementary information has been provided to verify the statements made.

4 In response to complaint paragraphs 4, 5, 6, 7, 8

The jurisdiction of the court is disputed. There has been no minimum contact with the state of florida.

There has been no promotion, sales, reproduction, or distribution of any goods withing the district of Florida. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

Business has not been targeted towards consumers throughout the United States, no active promotion or advertisement towards this design has occurred at all, including the state of Florida.

Therefore there has been no continous or systematic contact with the forum state to satisfy due process.

In addition the burden on all defendants to be able to defend themselves in a foreign legal system is unreasonable, and involves significant substantive or procedural differences unique to U.S litigation.

It is not just, fair or reasonable to require a defendant to face an action in this forum, when the legal system in the country of residence is available to pursue a civil case. In pursuing the case in the country of residence it allows defendants to engage in the legal system in order to pursue a suitable defence in a reasonable manner against the complaint. This can be emphasised with the recent hearing for the motion for Entry of Preliminary Injunction, which was filed on the 17th August 23, with the instruction that the Plaintiff should promptly serve a copy of the order on the remaining defendants. This was done on the 21st August 23, with the hearing scheduled on the 22nd August 23. It is not reasonable to expect defendants to make travel arrangements in such a short space of time in order to participate in the legal process associated with this case.

5 In response to complaint paragraphs 9, 10, 11, 12, 13, 14, 15, 16

Defendant is without knowledge as to these paragraphs of the complaint.

6 In response to complaint paragraph 17

Complaint is denied. No products had been shipped to fulfillment centres within the United States to redistribute the products from those locations. There has been no sales made in the United States of the design in question. Any products are manufactured on confirmation of a sale and not held as general stock that is available to consumers.

Business has not been targeted towards consumers throughout the United States, no active promotion or advertisement towards this design has occurred at all, including in the United States.

7 In response to complaint paragraph 18.

Complaint is denied. No previous knowledge of existing trademarks or copyright had been established and actions taken were in good faith. Counterfeit suggests the exact imitation of a product with the intention to deceive, no information has been provided by the Plaintiff to suggest that there is a product available which matches the design that was available on the store.

8 In response to complaint paragraph 19

Complaint is denied. There has been no promotion, sales, reproduction, or distribution of any goods within the district of Florida. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

Business has not been targeted towards consumers throughout the United States, no active promotion or advertisement towards this design has occurred at all, including in the United States.

9 In response to complaint paragraph 20

Complaint is denied. While the seller ID has been registered and established it has not been purchased. The sentence 'Defendants may have engaged in fraudulent conduct with respect to the registration of the Seller IDs' is clearly conjecture and based on no foundation other than assumption.

10 In response to complaint paragraph 21

Complaint is denied. Due to the complaint being generic and aimed at a number of defendants, across a number of civil cases that have been raised by the Plaintiff, the content is not applicable to all defendants. The cut and paste approach by the Plaintiff's representative leaves uncertainty under the amount of investigation that has actually occurred, and the number of wild assumptions made against defendants. The sole purpose of my seller ID is NOT for engaging in illegal counterfeiting activities and is merely a hobby.

11 In response to complaint paragraph 22

Complaint is denied. Due to the complaint being generic and aimed at a number of defendants, across a number of civil cases that have been raised by the Plaintiff, the content is not applicable to all defendants. The cut and paste approach by the Plaintiff's representative leaves uncertainty under the amount of investigation that has actually occurred, and the number of wild assumptions made against defendants. No information exists to support the assumption that further registrations or acquisitions of seller IDs will occur.

12 In response to complaint paragraph 23

Complaint is denied. No previous knowledge of existing trademarks or copyright had been established and actions taken were in good faith.

13 In response to complaint paragraph 24

Complaint is denied. The Plaintiff's trademarks and copyrights are clearly not an essential component of my online activity. One design amongst 200+ is not an essential component. Similarly, two number sales is not sufficient to drive internet consumer traffic to the store.

In no way has this very limited activity affected the plaintiff's multi-million dollar business. On searching the term 'smiley' on google the number one listing is the Smiley Company. There is no supporting evidence to suggest that this has occurred.

14 In response to complaint paragraph 25

Defendant is without knowledge as to paragraph 25 of the complaint.

15 In response to complaint paragraph 26

Complaint is denied. The statement 'high-quality goods' is subjective and no supporting evidence provided as to the grounds of making this statement.

16 In response to complaint paragraph 27

Defendant is without knowledge as to paragraph 27 of the complaint.

17 In response to complaint paragraph 28

Defendant is without knowledge as to paragraph 28 of the complaint. No evidence has been provided on the 'substantial time, money and other resources' used.

18 In response to complaint paragraph 29

Defendant is without knowledge as to paragraph 29 of the complaint. The Plaintiff's representative has already identified that defendants are from foreign states so will clearly be unaware of any promotion or advertisements through an animated series and associated merchandise.

19 In response to complaint paragraph 30

Complaint is denied. The statement is conjecture and based on no defined evidence on whether members of the public readily identify products and merchandise bearing or sold under the Smiley Marks as being high quality goods sponsored and approved by Plaintiff. I would argue that the majority of the public are unaware of the trademarks that exist and believe that the smiley face is simply within the public domain.

20 In response to complaint paragraph 31

Complaint is denied. Quality and reputation is subjective.

21 In response to complaint paragraphs 32, 33, 34, and 35

Defendant is without knowledge as to these paragraphs of the complaint

22 In response to complaint paragraph 36

Complaint is denied. There has been no promotion, sales, reproduction, or distribution of any goods withing the district of Florida. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

Business has not been targeted towards consumers throughout the United States, no active promotion or advertisement towards this design has occurred at all, including in the United States.

23 In response to complaint paragraph 37

Complaint is denied. On the Redbubble platform there are over 80 different products available and to state that the quality is substantially and materially different than that of the Plaintiff's genuine goods would mean that each product needed to be purchased to check on the quality, this has not occurred, therefore the statement is conjecture.

There has been no promotion, sales, reproduction, or distribution of any goods withing the district of Florida. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

Business has not been targeted towards consumers throughout the United States, no active promotion or advertisement towards this design has occurred at all, including in the United States.

24 In response to complaint paragraph 38

Complaint is denied. To advertise suggests that an effort has been made to draw attention to a product in a public medium in order to promote sales. There have been no advertising or promotion of any products, and there is no evidence available from the Plaintiff to support otherwise.

25 In response to complaint paragraph 39

Complaint is denied. To advertise suggests that an effort has been made to draw attention to a product in a public medium in order to promote sales. There have been no advertising or promotion of any products, and there is no evidence available from the Plaintiff to support otherwise.

There has been no promotion, sales, reproduction, or distribution of any goods within the district of Florida. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

Defendants are clearly not the same person, related persons, or acting in concert with one another. No marketing material has been produced or available, and no counterfeit products exist. Counterfeit suggests the exact imitation of a product with the intention to deceive, no information has been provided by the Plaintiff to suggest that there is a product available which matches the design that was available on the store.

There has been no deprivation to the Plaintiff or other third parties of their right to fairly compete for space within search engine results, the Smiley Company are listed at one in Google.

26 In response to complaint paragraph 40

Complaint is denied. There has been no promotion, sales, reproduction, or distribution of any goods within the district of Florida. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

27 In response to complaint paragraph 41

Complaint is denied. No previous knowledge of existing trademarks or copyright had been established and actions taken were in good faith.

28 In response to complaint paragraph 42

Complaint is denied. There has been no promotion, sales, reproduction, or distribution of any goods within the district of Florida. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

Counterfeit suggests the exact imitation of a product with the intention to deceive, no information has been provided by the Plaintiff to suggest that there is a product available which matches the design that was available on the store.

29 In response to complaint paragraph 43

Complaint is denied. Counterfeit suggests the exact imitation of a product with the intention to deceive, no information has been provided by the Plaintiff to suggest that there is a product available which matches the design that was available on the store. Knowingly and intentionally or with reckless disregard or willful blindness is conjecture and based on no solid information. The majority of the public are unaware of the trademarks that exist and believe that the smiley face is simply within the public domain and therefore have not been harmed.

30 In response to complaint paragraph 44

Complaint is denied. The statement 'activities are likely to cause confusion, deception and mistake in the minds of consumers' is clearly conjecture. The majority of the public are unaware of the trademarks that exist and believe that the smiley face is simply within the public domain.

31 In response to complaint paragraph 45

Complaint is denied. Counterfeit suggests the exact imitation of a product with the intention to deceive, no information has been provided by the Plaintiff to suggest that there is a product available which matches the design that was available on the store. Two sales of the design have occurred worldwide and neither in the USA. The design is no longer available. There is no supporting information to suggest that unfairly competitive activities have occurred in comparison to the multi million dollar business run by the Plaintiff.

32 In response to complaint paragraph 46

Complaint is denied. The statement 'Defendants are likely to transfer or conceal their assets' is clearly conjecture and based on no information or knowledge.

33 In response to complaint paragraph 47

Defendant is without knowledge as to paragraph 47 of the complaint.

34 In response to complaint paragraph 48

Complaint is denied. The multi million dollar business being run by the Smiley Company is clearly not suffering irreparable injury or suffered substantial damages.

In paragraph 82 of the complaint it states 'unquantifiable and irreparable harm and unquantifiable damages to the plaintiff', this statement contradicts the complaint in paragraph 48.

35 In response to complaint paragraph 49

Complaint is denied. There has been no promotion, sales, reproduction, or distribution of any goods within the district of Florida. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

Counterfeit suggests the exact imitation of a product with the intention to deceive, no information has been provided by the Plaintiff to suggest that there is a product available which matches the design that was available on the store.

36 In response to complaint paragraph 50.

Previous responses to allegations set forth to paragraphs 1 through 49 apply.

37 In response to complaint paragraph 51

Complaint is denied. There has been no promotion, sales, reproduction, or distribution of any goods within the district of Florida. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

Counterfeit suggests the exact imitation of a product with the intention to deceive, no information has been provided by the Plaintiff to suggest that there is a product available which matches the design that was available on the store.

38 In response to complaint paragraph 52

Complaint is denied. There has been no promotion, sales, reproduction, or distribution of any goods within the district of Florida. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

There has been no continuous infringement and inducement for others to infringe. This is conjecture and based on no known knowledge.

39 In response to complaint paragraph 53

Complaint is denied. Counterfeit suggests the exact imitation of a product with the intention to deceive, no information has been provided by the Plaintiff to suggest that there is a product available which matches the design that was available on the store. The statement 'causing confusion, mistake and deception' is clearly conjecture, and based on no sound knowledge. The majority of the public are unaware of the trademarks that exist and believe that the smiley face is simply within the public domain.

40 In response to complaint paragraph 54.

Complaint is denied. Throughout the complaint (such as in paragraph 48) the Plaintiff's representative is claiming substantial damages have occurred, however in paragraph 54 now state that the damages are unquantifiable. Therefore contradiction exists within the complaint. \$1.15 of profit on two sales has not impacted on the Plaintiff's multi million dollar profits.

41 In response to complaint paragraph 55

Defendant is without knowledge as to paragraph 55 of the complaint.

42 In response to complaint paragraph 56

Complaint is denied. The multi million dollar business being run by the Smiley Company is clearly not suffering irreparable injury or suffered substantial damages. The design is no longer available and therefore no continuation in any profits.

43 In response to complaint paragraph 57

Previous responses to allegations set forth to paragraphs 1 through 49 apply.

44 In response to complaint paragraph 58

Complaint is denied. There has been no promotion, sales, reproduction, or distribution of any goods withing the district of Florida or the United States. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

Counterfeit suggests the exact imitation of a product with the intention to deceive, no information has been provided by the Plaintiff to suggest that there is a product available which matches the design that was available on the store.

The statement that goods have been widely advertised are conjecture and there is no information or evidence to support this accusation. To advertise suggests

that an effort has been made to draw attention to a product in a public medium in order to promote sales. There have been no advertising or promotion of any products, and there is no evidence available from the Plaintiff to support otherwise.

45 In response to complaint paragraph 59

Complaint is denied. Counterfeit suggests the exact imitation of a product with the intention to deceive, no information has been provided by the Plaintiff to suggest that there is a product available which matches the design that was available on the store. The statement that goods are 'virtually identical' is conjecture and based on no sound knowledge or information.

On the Redbubble platform there are over 80 different products available and to state that the quality is substantially and materially different than that of the Plaintiff's genuine goods would mean that each product needed to be purchased to check on the quality, this has not occurred, therefore the statement is conjecture. Quality is subjective.

The statement 'likely to cause confusion' is clearly conjecture, and based on no sound knowledge. The majority of the public are unaware of the trademarks that exist and believe that the smiley face is simply within the public domain.

46 In response to complaint paragraph 60

Complaint is denied. There has been no promotion, sales, reproduction, or distribution of any goods within the district of Florida or the United States. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

Counterfeit suggests the exact imitation of a product with the intention to deceive, no information has been provided by the Plaintiff to suggest that there is a product available which matches the design that was available on the store.

No previous knowledge of existing trademarks or copyright had been established and actions taken were in good faith. Words used to describe the product are ones widely used in the English language and used on a daily basis verbally and in writing. The words used were for informational use to educate about the specific product, plain language was used in the text used in the description.

47 In response to complaint paragraph 61

Complaint is denied. There has been no promotion, sales, reproduction, or distribution of any goods within the district of Florida or the United States. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

Counterfeit suggests the exact imitation of a product with the intention to deceive, no information has been provided by the Plaintiff to suggest that there is a product available which matches the design that was available on the store.

To advertise suggests that an effort has been made to draw attention to a product in a public medium in order to promote sales. There have been no advertising or promotion of any products, and there is no evidence available from the Plaintiff to support otherwise.

48 In response to complaint paragraph 62

Complaint is denied. Counterfeit suggests the exact imitation of a product with the intention to deceive, no information has been provided by the Plaintiff to suggest that there is a product available which matches the design that was available on the store.

No unfair competition has occurred with the multi million dollar business. The Smiley Company are listed at number one in the Google Search Engine.

49 In response to complaint paragraph 63

Defendant is without knowledge as to paragraph 63 of the complaint.

50 In response to complaint paragraph 64

Complaint is denied. The design is no longer available for purchase and will not be reinstated, therefore profits will not continue to be wrongfully reaped, and the Plaintiff will not continue to 'suffer irreparable injury to their goodwill and business reputation' although that statement is not admitted and is conjecture on the behalf of the Plaintiff's representative, as this is unquantifiable as stated elsewhere in the complaint.

51 In response to complaint paragraph 65

Previous responses to allegations set forth to paragraphs 1 through 49 apply.

52 In response to complaint paragraph 66

Complaint is denied. There has been no promotion, sales, reproduction, or distribution of any goods within the district of Florida or the United States. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

53 In response to complaint paragraph 67

Complaint is denied. There has been no promotion, sales, reproduction, or distribution of any goods withing the district of Florida or the United States. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

To advertise suggests that an effort has been made to draw attention to a product in a public medium in order to promote sales. There have been no advertising or promotion of any products, and there is no evidence available from the Plaintiff to support otherwise.

Counterfeit suggests the exact imitation of a product with the intention to deceive, no information has been provided by the Plaintiff to suggest that there is a product available which matches the design that was available on the store.

No unfair competition has occurred with the multi million dollar business. The Smiley Company are listed at number one in the Google Search Engine.

54 In response to complaint paragraph 68

Complaint is denied. The statement 'likely to cause and actually are causing confusion, mistake and deception among members of the trade and the general consuming public' is conjecture and based on no sound knowledge or information. The majority of the public are unaware of the trademarks that exist and believe that the smiley face is simply within the public domain.

55 In response to complaint paragraph 69

Defendant is without knowledge as to paragraph 63 of the complaint. It is not clear how a multi million dollar business are suffering irreparable injury and damages on two sales that did not occur in the United States.

56 In response to complaint paragraph 70

Previous responses to allegations set forth to paragraphs 1 through 49 apply.

57 In response to complaint paragraph 71

Complaint is denied. There has been no promotion, sales, reproduction, or distribution of any goods withing the district of Florida or the United States. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

To advertise suggests that an effort has been made to draw attention to a product in a public medium in order to promote sales. There have been no advertising or promotion of any products, and there is no evidence available from the Plaintiff to support otherwise.

Counterfeit suggests the exact imitation of a product with the intention to deceive, no information has been provided by the Plaintiff to suggest that there is a product available which matches the design that was available on the store.

58 In response to complaint paragraph 72

Complaint is denied. There has been no promotion, sales, reproduction, or distribution of any goods within the district of Florida or the United States. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

To advertise suggests that an effort has been made to draw attention to a product in a public medium in order to promote sales. There have been no advertising or promotion of any products, and there is no evidence available from the Plaintiff to support otherwise.

59 In response to complaint paragraph 73

Complaint is denied. The statement 'likely to cause and actually are causing confusion, mistake and deception among members of the trade and the general consuming public' is conjecture and based on no sound knowledge or information. The majority of the public are unaware of the trademarks that exist and believe that the smiley face is simply within the public domain.

60 In response to complaint paragraph 74

Defendant is without knowledge as to paragraph 63 of the complaint. It is not clear how a multi million dollar business are suffering irreparable injury and damages on two sales that did not occur in the United States.

61 In response to complaint paragraph 75

Previous responses to allegations set forth to paragraphs 1 through 49 apply.

62 In response to complaint paragraph 76

Complaint is denied. There has been no promotion, sales, reproduction, or distribution of any goods within the district of Florida or the United States. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

To advertise suggests that an effort has been made to draw attention to a product in a public medium in order to promote sales. There have been no advertising or promotion of any products, and there is no evidence available from the Plaintiff to support otherwise.

Two sales cannot be considered large scale. The design is no longer available.

63 In response to complaint paragraph 77

Complaint is denied. No previous knowledge of existing trademarks or copyright had been established and actions taken were in good faith.

64 In response to complaint paragraph 78

Complaint is denied. There has been no promotion, sales, reproduction, or distribution of any goods within the district of Florida or the United States. The Internet based store allows access to a variety of goods of differing designs across the whole world, as is the nature of the internet, and the district of Florida has not been targeted in anyway.

No sales have been recorded in the whole of the United States and therefore none in Florida, and as the design is no longer available, there will be no sales at all.

To advertise suggests that an effort has been made to draw attention to a product in a public medium in order to promote sales. There have been no advertising or promotion of any products, and there is no evidence available from the Plaintiff to support otherwise.

65 In response to complaint paragraph 79

Defendant is without knowledge as to paragraph 79 of the complaint. No previous knowledge of existing trademarks or copyright had been established and actions taken were in good faith and in the public domain.

66 In response to complaint paragraph 80

Complaint is denied. No previous knowledge of existing trademarks or copyright had been established and actions taken were in good faith and in the public domain. The statement 'willful, intentional, and purposeful' is conjecture and a generalisation made against defendants in the hope it applies to some.

67 In response to complaint paragraph 81

Complaint is denied. No previous knowledge of existing trademarks or copyright had been established and actions taken were in good faith and in the public domain. Profit is \$1.15 from two sales.

68 In response to complaint paragraph 82

Defendant is without knowledge as to paragraph 63 of the complaint. It is not clear how a multi million dollar business are suffering irreparable harm and, unquantifiable damages on two sales that did not occur in the United States. In an effort to define unquantifiable in this statement I would suggest it is extremely minor and significant in any way, that is based on information and belief.

69 In response to complaint paragraph 83

Complaint is denied. The design is no longer available and therefore there is no 'continuing infringement', and based on this case there will be no future infringement as it is not the intention of this seller to reintroduce the design.



CLERKS OFFICE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
400 NORTH MIAMI AVENUE
8th Fl
MIAMI
FLORIDA
FL 33128-7716
UNITED STATES OF AMERICA.

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Contents

Tick all that apply

☐ Gift

☐ Documents

☐ Sale of Goods

☐ Commercial Sample

☐ Returned Goods

☐ Other:

Description of contents

Quantity

Weight (kg)

Value (GBP)

LETTERS

1

90

Total

1

90

Commercial Items only; if known enter HS tariff no. & origin

If applicable, VAT reg number

I, the undersigned, whose name and address are given on the item, certify that the particulars given in this declaration are correct and that this item does not contain any dangerous article or articles prohibited by legislation or by postal customs regulations.

Sign & Date

CN22A (Jan 20)